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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,254	12/20/2005	Raymond J.E. Huetting	GB030096US1	5647

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SAN JOSE, CA 95131

EXAMINER
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KUO, WENSING W

ART UNIT	PAPER NUMBER
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2826

NOTIFICATION DATE	DELIVERY MODE
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09/05/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,254	<b>Applicant(s)</b> HUETING, RAYMOND J.E.	
	<b>Examiner</b> W. Wendy Kuo	<b>Art Unit</b> 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's arguments, see Appeal Brief, filed 30 June 2008, with respect to the rejection(s) of claim(s) 1-3 and 5-10 under 35 U.S.C. §103(a) over Hueting et al. (US 6,515,348) in view of Dennen (US 6,555,872) and of claim 4 under 35 U.S.C. §103(a) over Hueting et al. (US 6,515,348) in view of Dennen (US 6,555,872) and further in view of Hueting et al. (US 6,534,823) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nakagawa et al. (US 6,452,231).

2. Claims 1-10 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

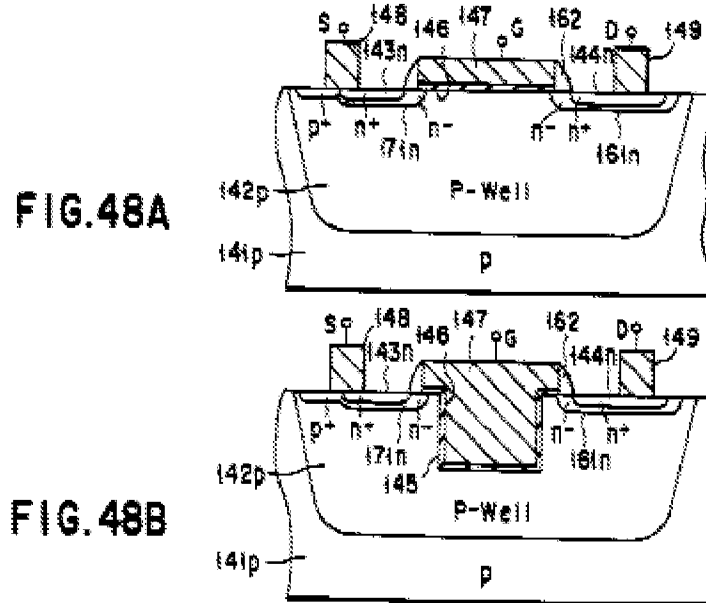
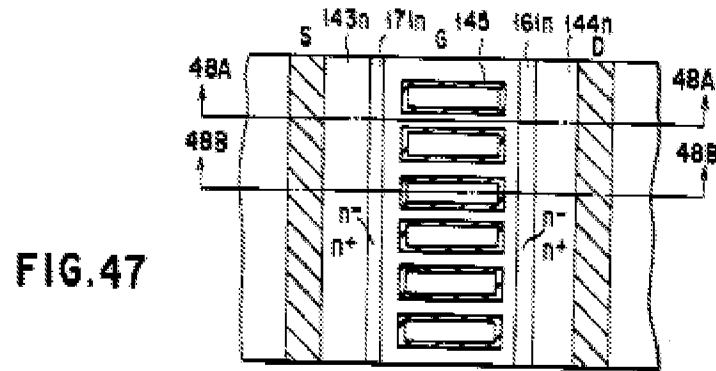
**4. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US 6,452,231) (hereinafter Nakagawa).**

5. **With respect to claim 1**, Nakagawa (e.g. Figures 47, 48A, and 48B) teaches a semiconductor device having opposed first and second major surfaces, comprising:

- A body region 142p at the first major surface;

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- At least one cell having longitudinally spaced source (143n, 171n) and drain (144n, 161n) implantations extending into the body region 142p from the first major surface, the source and drain implantations being spaced away from the substrate 141p by part of the body region 142p and defining a channel part of the body region between the source and drain implantations;
- At least one insulated gate trench 145 extending longitudinally from the source implantation (143n, 171n) to the drain implantation (144n, 161n) through the body region 142p, the insulated gate trench 145 including a gate conductor 147 insulated from the source and drain implantations and the body region by a gate dielectric 146 along the side and end walls and the base of the trench, the source and drain implantations extending along part of the side walls of the trench,
- Wherein the source and drain implantations include conductive shallow contact regions (143n, 144n) at the first major surface extending vertically into the body 142p



Nakagawa fails to specify the depths of the shallow contact regions and the trench. However, differences in depths will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such depths are critical. Scaling up or down of a prior art process capable of being scaled up or down will not establish patentability in a claim to an old process so scaled. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976).

It is noted that the specification contains no disclosure of either the critical nature of the claimed shallow contact region/trench depths or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Since the applicant has not established the criticality of the shallow contact region/trench depths, and a change in size is generally recognized as being within the level of ordinary skill in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use these values in the device of Nakagawa.

6. **With respect to claim 2**, Nakagawa (e.g. Figure 48B) teaches that the body region is of first conductivity type (p-type) and the shallow contact regions are of a second conductivity type (n-type) opposite to the first conductivity type.

7. **With respect to claim 3**, Nakagawa teaches that each of the source and drain implantations further comprises a lower doped region (161n, 171n) of lower doping than the shallow contact region.

8. **With respect to claim 5**, Nakagawa (e.g. Figure 47) teaches that the semiconductor device comprises a plurality of cells laterally spaced across the first major surface.

9. **With respect to claim 6**, Nakagawa (e.g. Figure 47) teaches that gate trenches alternate with the plurality of cells laterally across the first major surface.

10. **With respect to claim 7**, Nakagawa (e.g. Figure 47) teaches that each cell has a gate trench laterally within the confines of the cell.

11. **With respect to claim 8**, Nakagawa fails to specify the depths of the lower doped region. However, differences in depth will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such a depth is critical. Scaling up or down of a prior art process capable of being scaled up or down will not establish patentability in a claim to an old process so scaled. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976).

It is noted that the specification contains no disclosure of either the critical nature of the claimed lower doped region depth or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Since the applicant has not established the criticality of the lower doped region depth, and a change in size is generally recognized as being within the level of ordinary skill in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use these values in the device of Nakagawa.

12. **With respect to claim 9**, Nakagawa (e.g. Figures 35A and 35B) teaches that the source and drain implantations consist exclusively of the shallow contact region.

13. **With respect to claim 10**, Nakagawa (e.g. Figure 48B) teaches that the semiconductor device is on a conductive substrate of first conductivity type.

**14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa in view of Hueting et al. (US 6,534,823).**

**15. With respect to claim 4,** Nakagawa (e.g. Figures 48A and 48B) teaches:

- The source implantation includes a higher doped shallow source contact region 143n and a lower doped source drift region 171n between the higher doped source contact region and the body 142p;
- The drain implantation includes a higher doped shallow drain contact region 114n and a lower doped drain drift region 161n between the higher doped drain contact region and the body 142p

Nakagawa fails to teach that the insulated gate trench includes potential plate regions extending longitudinally on either side of a central region, the potential plate regions being adjacent to the source and drain drift regions respectively, and the central region being adjacent to the body; and the thickness of the gate dielectric sidewalls of the insulated gate trench is greater in the potential plate regions of the insulated gate than the central region. Hueting (e.g. Figure 1) teaches that an insulated gate trench 80 includes potential plate regions 71 extending longitudinally on either side of a central region 70 (field plate region 71 is depicted as extending either to the right or to the left of gate structure 70), the potential plate regions being adjacent to the source and drain drift regions 50 respectively, and the central region 70 being adjacent to the body 6; and the thickness of the gate dielectric sidewalls of the insulated gate trench 80 is greater in the potential plate regions 71a of the insulated gate than the central region 70a for the benefit of providing a lateral field effect device having a trench gate structure with a low



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on-resistance and good reverse voltage withstanding characteristics (column 1, lines 42-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Nakagawa with the potential plate regions of Hueting for the benefit of providing a lateral field effect device having a trench gate structure with a low on-resistance and good reverse voltage withstanding characteristics.

### ***Response to Arguments***

16. Applicant's arguments, see Appeal Brief, filed 30 June 2008, with respect to the rejection(s) of claim(s) 1-3 and 5-10 under 35 U.S.C. §103(a) over Hueting et al. (US 6,515,348) in view of Dennen (US 6,555,872) and of claim 4 under 35 U.S.C. §103(a) over Hueting et al. (US 6,515,348) in view of Dennen (US 6,555,872) and further in view of Hueting et al. (US 6,534,823) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nakagawa et al. (US 6,452,231).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Wendy Kuo whose telephone number is (571)270-1859. The examiner can normally be reached Monday through Friday 7:00 AM to 4:30 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue A. Purvis can be reached at (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leonardo Andújar/  
Primary Examiner, Art Unit 2826

W. Wendy Kuo  
Examiner  
Art Unit 2826

WWK